



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: February 15, 2012
Applicant: Broadway Capital Group, LLC
Case No.: PCC-11-069
Address: 846 Broadway, Chula Vista, Ca.
A.P.N.: 571-310-07-00
Project Planner: Richard Zumwalt, A.I.C.P., Associate Planner

Notice is hereby given that on February 15, 2012, the Zoning Administrator considered a Conditional Use Permit (CUP) Application PCC-11-069 filed by the Broadway Capital Group, LLC ("Applicant"). The project proposes operation of a used car lot including spaces for display of 13 vehicles, a 600 square foot existing sales office building, and a 590 square foot, 2-car garage ("Project"). The Project site consists of a 9,148 square foot parcel located at 846 Broadway in Chula Vista, Ca. ("Project Site"). The site has an Urban Core Specific Plan Zoning designation of C-2 (Broadway South Neighborhood Combining District) and General Plan Designation of Mixed-Use Residential (MUR). The Property is owned by the Broadway Capital Group, LLC ("Property Owner").

A used car sales lot requires approval of a Conditional Use Permit (CUP) in the C-2 zone. Because the project does not propose construction of a new building or substantial structural improvements to the site, processing of an Administrative CUP is permitted.

The Director of the Development Services Department has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code, has been able to make the following Conditional Use Permit findings as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

Approval of the project will allow the applicant to provide a higher level of commercial services to the community by providing an upgraded facility for the sale and display of used cars. The neighborhood is presently developed with a mixture of retail and automobile-related businesses, and this location is desirable for provision of used car sales because the site is in a highly visible, automobile-oriented, and conveniently accessible location. Therefore, approval of the Project

will enhance the variety and quality of commercial services for residents of the City of Chula Vista.

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The used car sales office and garage buildings are existing and no additional construction of permanent structures is proposed. The used car sales office will be open to the public during the hours of 8:00 am to 8:00 pm daily. The project is not expected to generate a significant amount of traffic or parking that will impact the adjacent streets or the residential neighborhood to the west. The project will include installation of a new 6 foot deep landscape planter along the street frontage that will improve the appearance of the site. The project has been conditioned so that in the future, if there is a proposed change of use which requires approval of a Conditional Use Permit, the applicant must submit an application for a Substantial Conformance review or Conditional Use Permit modification to amend the approved Conditional Use Permit. If a change in the occupancy type or improvements to one of the buildings is proposed, the applicant must also obtain a building permit to ensure that the new construction complies with the California Building Code, Fire Code and other applicable codes, to ensure the health, safety and welfare of persons using the facility and residing in the vicinity of the project. Therefore, the operation of the facility will not adversely affect adjacent persons or properties.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

The use complies with the Urban Core Specific Plan Zoning designation of C-2 (Broadway South Neighborhood Combining District) for the site. Granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill conditions and to comply with all applicable regulations and standards specified in the Municipal Code for such use. These conditions will be enforced through inspections prior to occupancy of the use and subsequent operation of the business, and through building plan review, if applicable. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-11-069.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The site is located in the Mid-Broadway District and is planned for Mixed Use Residential (MUR) uses in the City's General Plan. The long-range vision for the district includes transitioning automotive uses such as used car lots out of this area. However, since the C-2 zoning permits used car lots upon approval of a Conditional Use Permit, the use can be conditionally permitted as an interim/temporary use for a period of 5 years, with potential for extension of the use until the site is redeveloped with mixed-use residential uses in the future.

Thus, this approval is consistent with the Mixed Use Residential land use designation of the General Plan and will not adversely affect the implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-11-069 as described above, for a period not to exceed 5 years from the date of the approval of this decision, subject to the following conditions:

The following conditions shall apply to the Project Site, and the Applicant or successor-in-interest shall satisfy these conditions prior to the opening of the business, or at the timeframe specified in the condition. Upon completion, the Applicant shall remain in compliance with the conditions as long as the Project relies upon this approval:

PLANNING DIVISION

1. The Project Site shall be improved and maintained in accordance with the PCC-11-069 approved plans, which include site plans, floor plans and landscape plans on file in the Planning Division, the conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Applicant or Authorized Representative

Date

3. The Applicant shall apply for and obtain a sign permit for any required site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60.540 and Urban Core Specific Plan Section G.3. Internally-illuminated "can" signs and pole signs are not permitted in the C-2 zoning district.

BUILDING DIVISION

4. If the Applicant proposes structural modifications to the building, exterior lighting or handicapped accessibility improvements, submittal of a building permit application and plans in compliance with the 2010 Ca. Building Code is required. Building permits shall comply with applicable codes and requirements, including but not limited to the 2010 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, and 2008 California Energy Code, as adopted and amended by the State of California and City of Chula Vista.

LAND DEVELOPMENT DIVISION

Landscaping:

5. Prior to opening of business, Applicant shall contract with a C-27 licensed landscape contractor to install the following landscape improvement on the site as shown on the approved concept landscape plan:
 - a. The planter depth at the front of the property line shall be a minimum of 6 feet;
 - b. The existing pavement over the area to be landscaped shall be removed;
 - c. A six-inch raised curb around the landscape area shall be installed;
 - d. The landscape area shall be prepared for planting;
 - e. Drought tolerant plant materials as shown on the concept landscape plan shall be planted; and
 - f. The landscaped materials shall be established, watered, and maintained in healthy and attractive condition at all times.

Storm Water Management

6. If a building permit or construction permit is submitted for the project, the applicant shall complete and submit copies of Forms 5500 and 5501 regarding Storm Water Management to the Land Development Division for review in conjunction with the permit.

Public Improvements

7. If the Applicant proposes improvements to the public right-of-way or private improvements within the public right-of-way or City easement, the Applicant shall submit and obtain approval of an encroachment permit application by the Land Development (Engineering) Division.

PUBLIC WORKS DEPARTMENT

8. The project shall utilize residential trash service and trash enclosures required for a small waste generator, to the satisfaction of the Environmental Services Division of the Department of Public Works. To prevent run-off that could cause impacts to water quality, all trash and recycling containers must be stored inside the garage and provided with a lid that must be kept closed at all times.

FIRE DEPARTMENT

Prior to opening of the business, install the following improvements to the satisfaction of the Chula Vista Fire Department:

9. The Applicant shall provide Fire Lane signs according to Chula Vista Fire Standards on the Fire Lane along the southerly side of the building, the entire length of the property to the rear parking lot. Fire Lanes are required to be clear at all times.
10. The Applicant shall provide one fire extinguisher for every 3,000 square feet and 75 feet of travel in any direction.
11. The building(s) shall be addressed in accordance with the following criteria:
 - a. If the address is located between 51-150 ft. from the building to the face of the curb, the address shall be 10 inches in height with a 1-1/2 inch stroke.

ON-GOING CONDITIONS

Upon certification by the Development Services Department for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

LAND DEVELOPMENT DIVISION

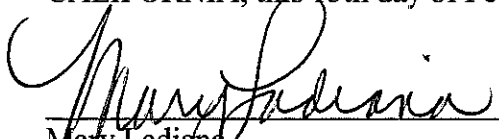
12. Operation of this project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Permit, Order No. R9-2007-0001 (Municipal Permit), the City of Chula Vista Standard Urban Storm Water Mitigation Plan (SUSMP), the Chula Vista Municipal Code Chapter 14.20, and the latest approved version of the City of Chula Vista Development Storm Water Manual.

PLANNING DIVISION

13. The Conditional Use Permit shall expire five (5) years after the date of its approval by the Zoning Administrator, on February 15, 2017. To authorize the continued use of the used car sales facility past this date, the Applicant must submit an application and required filing fees requesting an extension for a 5-year term from the Zoning Administrator.

14. If a change in the use, occupancy type or improvements to one of the buildings is proposed that requires a building permit, the applicant must submit and obtain approval of a building permit to ensure that the new construction complies with the California Building, Fire and other applicable codes.
15. Hours of operation shall be Monday through Sunday (seven days a week) from 8:00 am to 8:00 pm.
16. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66, and Performance Standards and Noise Control, Chapter 19.68.
17. This Conditional Use Permit authorizes only the use specified in the application for PCC-11-069. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
18. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation, pursuant to the requirements of CVMC Section 19.14.270.
19. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
20. Applicant and his/her successors in interest agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul any approval by the City, including approval by its City Council or any approval by its agents, officers, or employees with regard to this Conditional Use Permit, provided the City promptly notifies the Applicant of any claim, action or proceeding and on the further condition that the City fully cooperates in the defense.
21. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 15th day of February, 2012.



Mary Ladiana,
Zoning Administrator

Cc: Monica Cordero, 2619 Faivre Street, Chula Vista, Ca. 91911
Broadway Capital Group, LLC, Attn: Daniel Iko, 4455 Federal Blvd. #62, San Diego, Ca.
92102
Miguel Tapia, Senior Planner
Samuel Escalante, Fire Dept.
Lou El-Khazen, Building Division

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